

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE,

Plaintiff,

V.

MICRON TECHNOLOGY, INC.,

Defendant.

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Civil Action No. 1:16-cv-11249-WGY

## JURY TRIAL DEMANDED

**PRESIDENT AND FELLOWS OF HARVARD COLLEGE’S ANSWER TO  
COUNTERCLAIM OF MICRON TECHNOLOGY, INC.**

## COUNTERCLAIM

Pursuant to Rule 7(a)(3) of the Federal Rules of Civil Procedure, Counterclaim-Defendant, President and Fellows of Harvard College ( “Harvard”), responds to Counterclaim-Plaintiff Micron Technology, Inc.’s (“Micron”) Counterclaim and allegations as follows. Unless specifically admitted herein, Harvard denies each and every allegation, matter, and thing contained in the Counterclaim and each and every part and portion thereof.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Harvard admits that Micron purports to contend that the asserted claims of the '539 and '016 Patents are invalid and/or unenforceable.

7. Harvard admits a true, actual, and justiciable controversy has arisen and now exists between Micron and Harvard regarding the invalidity and unenforceability of U.S. Patent Nos. 6,969,539 (“the ’539 patent”), and 8,334,016 (“the ’016 patent”) (collectively, “the Asserted Patents”). Except as expressly admitted the allegations of paragraph 7 of the Counterclaim are denied.

**COUNT I**  
**(Declaration of Invalidity of U.S. Patent Nos. 6,969,539 and 8,334,016)**

8. Harvard restates and incorporates by reference each of the allegations of paragraphs 1 through 7 of this Answer, as though fully set forth herein.

9. Harvard admits that Count I of the Counterclaim seeks a declaration that the ’539 and ’016 Patents are invalid, but denies that the ’539 and ’016 Patents are invalid.

**PRAYER FOR RELIEF**

WHEREFORE, Counterclaim-Defendant Harvard prays for judgment against Micron’s Counterclaim as follows:

- A. That Micron takes nothing by its Counterclaim;
- B. That the claims of the ’539 and ’016 patents are valid, and enforceable;
- C. That the Counterclaim and each purported cause of action contained therein be dismissed with prejudice;
- D. That Harvard be awarded its costs of suit, including attorney’s fees, incurred herein;  
and
- E. For such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Counterclaim-Defendant hereby demands a trial by jury of all matters to which it is entitled pursuant to Federal Rules of Civil Procedure 38.

Dated: March 31, 2017

Respectfully submitted,

/s/ William Belanger

William Belanger

Massachusetts Bar No. 657184

Alison McCarthy

Gregory D. Len

Griffin Mesmer

Pepper Hamilton LLP

19th Floor, High Street Tower

125 High Street

Boston, MA 02110-2736

Telephone: 617.204.5100

Facsimile: 617.204.5150

Email: belangew@pepperlaw.com

***Counsel for President and Fellows of  
Harvard College***

**CERTIFICATE OF SERVICE**

I certify that on the 31<sup>st</sup> day of March, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing (NEF) to the following:

J. Jason Lang (admitted *pro hac vice*)  
Jared Bobrow (admitted *pro hac vice*)  
Michele Gauger (admitted *pro hac vice*)  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Ph: 650-802-3000  
E-mail: jason.lang@weil.com  
E-mail: jared.bobrow@weil.com  
E-mail: michele.gauger@weil.com

Patrick J. O'Toole, Jr.  
Weil, Gotshal & Manges LLP  
100 Federal Street, Floor 34  
Boston, MA 02110  
Ph: 617-772-8365  
E-mail: patrick.otoole@weil.com

Megan H. Wantland (admitted *pro hac vice*)  
Weil, Gotshal & Manges LLP  
1300 Eye Street NW, Suite 900  
Washington, DC 20005  
Ph: 202-682-7000  
E-mail: megan.wantland@weil.com

*/s/ William Belanger*

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William Belanger